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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,298	12/18/2001	Matthew B. Donatucci	ATMI-514	1697

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ATMI, INC.
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EXAMINER

BUEKER, RICHARD R

ART UNIT PAPER NUMBER

1763

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,298

Applicant(s)

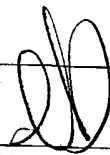
DONATUCCI ET AL.

Examiner

Richard Bueker

Art Unit

1763



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claims 1-4, 6-8, 10, 12-14 and 25-28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gudmundsen (2,902,574). Gudmundsen discloses (see Figs. 1-8) a vaporizer in the form of a thermally conductive block that has elongated wells formed therein. Space is provided in the block for accumulation of vapor, both in the individual wells and in the passageways 34 and 36 (see also the accumulation space shown in Fig. 8). Gudmundsen teaches that the block is temperature controlled by, for example, resistive heating. A lid 32 is sealed to the conductive block by clamps 33. An outlet 34 is provided that is in communication with the accumulation space, and because the lid forms part of the accumulation space, the outlet is also in communication with the lid (see Figs. 4 and 8). Gudmundsen uses carbon for his block, which reads on the graphite recited in claim 28. Alternatively, the materials of construction recited in claim 28 are prima facie obvious in view of Gudmundsen's teaching at col. 4, lines 25-33, regarding the choice of materials for his block.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gudmundsen (2,902,574) taken in view of Tanabe (2001/0008121), who teaches (see paragraph 52) that a thermocouple can be used to measure the temperature of a vaporizer for feedback control of the vaporizer temperature. It would have been obvious to one skilled in the art to use a thermocouple in the temperature controller of Gudmundsen, in view of Tanabe's teaching that a vaporizer temperature can be successfully controlled using a thermocouple.

Claims 11 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudmundsen in view of Holloway (3,647,197), who teaches (col. 4, lines 4-15) that it was known in the prior art to use aluminum as the material of construction for a thermally conductive vaporizer, and it would have been prima facie obvious to one skilled in the art to use this material for Gudmundsen's thermally conductive vaporizer, because Holloway teaches that aluminum can successfully be used to construct a vaporizer that requires thermal conductivity.

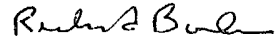
Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants' arguments have been considered but are not pertinent to the new grounds of rejection stated above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (571) 272-1431. The examiner can normally be reached on 9 AM - 5:30 PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on (571) 272-1439. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Richard Bueker
Primary Examiner
Art Unit 1763